

Attorney's Docket No.: 07977-182002 / US3413D1

REMARKS

Reconsideration and allowance of the above-referenced application are respectfully requested.

Upon entry of this amendment, claims 1-56 will remain in the application.

Claims 18-37 and 39-56 were rejected under the judicially created doctrine of obviousness-type double patenting as being allegedly unpatentable over claims 1-37 of Yamazaki (US 6,218,714) in view of Vu et al. (US 5,807,771).

The Action states that it would have been obvious to one having ordinary skill in the Art to form the device of the Yamazaki patent on a thin insulator layer since Vu discloses that resistance radiation effects and destruction can be improved by fabricating devices on SOI substrates.

An obviousness determination must consider "what the combined teachings, knowledge of one or ordinary skill in the art, and the nature of the problem to be solved as a whole would have suggested to those of ordinary skill in the art," (emphasis added) MPEP 2143.01 citing In re Kotzah, 55 USPQ2d 1313, 1317 (Fed. Cir. 2000). The problem addressed in Yamazaki is suppressing short channel effects, not increasing radiation resistance. Accordingly, Applicants submit that there is no motivation to combine Vu with the invention claimed in the Yamazaki patent.

Claims 18-37 and 39-56 were rejected under the judicially created doctrine of obviousness-type double patenting as being allegedly unpatentable over claims 1-37 of Yamazaki (US 6,127,702) in view of Vu et al. (US 5,807,771).

The claims in the present application were restricted during the prosecution of US 6,127,702. Accordingly, the double